

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

GARY KREMEN, an individual,

Plaintiff,

vs.

AMERICAN REGISTRY FOR INTERNET  
NUMBERS, LTD., a Virginia corporation.

Defendant.

USDC Case No. C 06-2554 MMC

(Assigned to the Honorable Maxine M. Chesney)

**[PROPOSED] ORDER GRANTING  
DEFENDANT AMERICAN REGISTRY  
OF INTERNET NUMBERS, LTD.'S  
MOTION TO DISMISS PLAINTIFF'S  
COMPLAINT PURSUANT TO RULE  
12(B)(6) AND/OR [ALTERNATIVE]  
STAY ORDER**

## Hearing

Date: July 14, 2006  
Time: 9:00 a.m.  
Courtroom: 7

Action Filed: April 12, 2006  
Trial Date: NONE SET

On July 14, 2006, at 9:00 am, the Motion of Defendant AMERICAN REGISTRY FOR INTERNET NUMBERS, LTD. (“ARIN”) to dismiss with prejudice any and all claims of Plaintiff GARY KREMEN (“Plaintiff” or “Kremen”) pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure (“FRCP”) came on regularly for hearing before this Court in Courtroom 7, before

1 the Honorable Maxine M. Chesney, Judge Presiding.

2 Having considered the moving, supporting and opposing papers, the records on file herein,  
 3 and the arguments of counsel, this Court hereby finds that:

- 4       1. each claim asserted in the Complaint is barred by applicable statutes of limitations;
- 5       2. the Complaint fails to state facts that can support any federal or state antitrust claims  
 6 under either Section 1 or 2 of the Sherman Act or California's Cartwright Act; and
- 7       3. the Complaint fails to state any state law claims for conversion, breach of fiduciary  
 8 duty, or unfair competition under California's UCL (B&P Code Section 17200) upon which relief  
 9 can be granted.

10     Accordingly, it is **HEREBY ORDERED** that each and every claim set forth in Plaintiff's  
 11 Complaint is hereby **DISMISSED WITH PREJUDICE**.

12     [ALTERNATIVE] STAY ORDER

13     [Alternatively,] this Court **HEREBY ORDERS** that the present action is hereby  
 14 **STAYED** pending final disposition of ARIN's motion to modify or clarify the September 17,  
 15 2001, Order issued by Judge James Ware (an order upon which this lawsuit is fundamentally  
 16 based) in the action entitled *Kremen v. Cohen, et al.*, USDC Case No. C 98-20718 (JW).

17     IT IS SO ORDERED:

18  
 19 Dated: \_\_\_\_\_

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The Honorable Maxine M. Chesney  
 United States District Judge